



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

04 December 2009

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.nasa.gov/offices/rrac/home/>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

AAM = *Alabama Administrative Monthly*
ADEM = Alabama Department of Environmental Management
ARC = Ames Research Center
BOD = Biochemical oxygen demand
CAA = Clean Air Act
CCR = *California Code of Regulations*
CFR = *Code of Federal Regulations*
CHHSL = California Human Health Screening Levels
COMAR = Code of Maryland Regulations
CRNR = California Regulatory Notice Register
DAPC = Division of Air Pollution Control
DHWM = Division of Hazardous Waste Management
DINP = Diisononylphthalate
ECF = Emission comparable fuel
ECHA = European Chemicals Agency
EPA = U.S. Environmental Protection Agency
F.A.C. = Florida Administrative Code
F.S. = Florida Statute
FAW = *Florida Administrative Weekly*
FR = *Federal Register*
FY = Fiscal year
FFY = Federal fiscal year
HAP = Hazardous air pollutant
HGB = Houston-Galveston-Brazoria
JSC = Johnson Space Center
Md.R. = *Maryland Register*
MDE = Maryland Department of the Environment
µg/L = Microgram per liter
mg/kg = Milligram per kilogram
NAAQS = National Ambient Air Quality Standards
NASA = National Aeronautics and Space Administration
NESHAP = National Emissions Standards for Hazardous Air Pollutants

NFPA = National Fire Protection Association
NO_x = Nitrogen oxides
OAC = Ohio Administrative Code
OEHHA = Office of Environmental Health Hazard Assessment
OEPA = Ohio Environmental Protection Agency
PFA = Priority Funding Area
PIN = Personal Identification Number
PM2.5 = Particulate matter having an aerodynamic equivalent diameter of 2.5 microns or less
RCRA = Resource Conservation and Recovery Act
REACH = Registration, Evaluation, and Authorisation of Chemicals
RIN = Regulatory Identification Number
RO = Responsible official
ROD = Record of Decision
RPMP = Real Property Master Plan
RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
SFY = State fiscal year
SIP = State Implementation Plan
SJRWMD = St. Johns River Water Management District
SVHC = Substances of Very High Concern
TAC = Texas Administrative Code
TCEQ = Texas Commission on Environmental Quality
TMDL = Total maximum daily load
TSDF = Treatment, storage, and disposal facility
UAC = Utah Administrative Code
U.S. = United States
VAC = Virginia Administrative Code
Va.R. = *Virginia Register*
VOC = Volatile organic compound
WQFA = Water Quality Financing Administration

1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED12042009-1	Air NESHAP-Paints and Allied Products Manufacturing	12/03/2009	74 FR 63503	Final Rule	National Emission Standards for Hazardous Air Pollutants (HAPs): Area Source Standards for Paints and Allied Products Manufacturing [40 CFR Part 63] Finalizes NESHAP for the Paints and Allied Products Manufacturing area source category. Establishes management practices for volatile HAPs and equipment standards for particulate HAPs. Effective 12/03/2009. [RIN 2060-AN47]	NASA Programs should be aware this rule could affect supply chain manufacturers' facilities that are area sources of HAPs.
FED12042009-2	Aircraft Icing Conditions	11/23/2009	74 FR 61055	Proposed Rule	Federal Aviation Administration Activation of Ice Protection [14 CFR Part 121] Proposal would amend regulations applicable to operators of certain airplanes certified for flight in icing conditions. Would require either the installation of ice detection equipment or changes to the Airplane Flight Manual to ensure timely activation of the airframe ice protection system. Comments due 02/22/2010. [RIN 2120-AJ43]	
FED12042009-3	Aircraft Polished Frost	12/01/2009	74 FR 62691	Final Rule	Federal Aviation Administration Removal of Regulations Allowing for Polished Frost [14 CFR Parts 91, 125, and 135] Removes certain provisions in regulations that allow for operations with "polished frost" (i.e., frost polished to make it smooth) on the wings and stabilizing and control surfaces of aircraft. Effective 02/01/2010. [RIN 2120-AJ09]	
FED12042009-4	Bioethics	11/30/2009	74 FR 62669	Executive Order	Office of the President Executive Order 13521-Establishing the Presidential Commission for the Study of Bioethical Issues Establishes the Presidential Commission for the Study of Bioethical Issues to advise the President about bioethical issues that could emerge as a consequence of advances in biomedicine and related areas of science and technology. Orders that the Commission may examine issues linked to specific technologies, including but not limited to the creation of stem cells by novel means; intellectual property issues involving genetic sequencing, biomarkers, and other screening tests used for risk assessment; and the application of neuro and robotic sciences. It also may examine broader issues not linked to specific technologies, including but not limited to the protection of human research participants; scientific integrity and conflicts of interest in research; and the intersection of science and human rights. Signed 11/24/2009.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED12042009-5	Chesapeake Bay Protection and Restoration	12/04/2009	74 FR 63752	Notice	Executive Order 13508—Chesapeake Bay Protection and Restoration Section 202 Federal Agency Reports Announces the availability of seven final reports by federal agencies for restoration and protection of the Chesapeake Bay. Comments due 01/08/2010.	
FED12042009-6	Contracting and Procurement	11/25/2009	74 FR 62201	Executive Order	Office of the President Executive Order 13520—Reducing Improper Payments Establishes a comprehensive set of policies intended to reduce payment errors and eliminate waste, fraud, and abuse in federal programs, including the following: <ul style="list-style-type: none"> ▪ Transparency and public scrutiny of significant payment errors throughout the federal government ▪ Focus on identifying and eliminating the highest improper payments ▪ Accountability for reducing improper payments among executive branch agencies and officials ▪ Coordinated federal, state, and local government action in identifying and eliminating improper payments Signed 11/20/2009.	
FED12042009-7	Energy Conservation Small Electric Motors	11/24/2009	74 FR 61409	Notice	Office of Energy Efficiency and Renewable Energy Energy Conservation Program: Energy Conservation Standards for Small Electric Motors [10 CFR Part 431] Proposes energy conservation standards for certain small electric motors and announces a public meeting. Public meeting to be held 12/17/2009 in Washington, D.C. Comments due 01/25/2010. [RIN 1904-AB70]	
FED12042009-8	Species Black-tailed Prairie Dog	12/03/2009	74 FR 63343	Notice	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List the Black-tailed Prairie Dog as Threatened or Endangered [50 CFR Part 17] Announces a finding that listing the black-tailed prairie dog either as threatened or endangered is not warranted at this time.	
FED12042009-9	Species Climate Change	11/25/2009	74 FR 61671	Notice	A Framework for Categorizing the Relative Vulnerability of Threatened and Endangered Species to Climate Change Announces a public comment period for the draft document titled, " A Framework for Categorizing the Relative Vulnerability of Threatened and Endangered Species to Climate Change ." Document describes an evaluative framework that may be used to categorize the relative vulnerability of species to climate change. Comments due 12/28/2009.	
FED12042009-10	Species Gunnison Sage-Grouse	11/23/2009	74 FR 61100	Notice	Endangered and Threatened Wildlife and Plants; Notice of Intent to Conduct a Status Review of Gunnison sage-grouse (<i>Centrocercus minimus</i>) [50 CFR Part 17] Notice of intent to conduct a status review of Gunnison sage-grouse to determine whether the species should be listed as endangered or threatened. Comments due 12/23/2009.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED12042009-11	Species Sprague's Pipit	12/03/2009	74 FR 63337	Notice	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List Sprague's Pipit as Threatened or Endangered [50 CFR Part 17] Announces a finding that listing the Sprague's pipit may be warranted. Initiates a status review of the species to determine if listing the species is warranted. Comments due 02/01/2010.	
FED12042009-12	Safety Fire Safety	12/01/2009	74 FR 62750	Notice	National Institute of Standards and Technology National Fire Protection Association: Proposes To Revise Codes and Standards Notice that the NFPA proposes to revise some of its safety codes and standards and requests proposals from the public to amend existing or develop new safety codes and standards. Proposals and comments are due on dates listed for each standard. Further information is available on the NFPA website .	NASA facilities responsible for fire protection should be aware of this action.
FED12042009-13	Safety Fire Safety	12/01/2009	74 FR 62749	Notice	National Institute of Standards and Technology National Fire Protection Association: Request for Comments on Codes and Standards Requests comments on the technical reports that will be published in the NFPA's 2010 Fall Revision Cycle. Thirty-two reports are published in the 2010 Fall Revision Cycle Report on Proposals. Further information is posted on the NFPA website . Comments due 03/05/2010.	
FED12042009-14	Toxic Substances Chloroprene	12/01/2009	74 FR 62771	Notice	Draft Toxicological Review of Chloroprene: In Support of the Summary Information in the Integrated Risk Information System Announces an external peer-review workshop to review the draft document titled, " Toxicological Review of Chloroprene: In Support of Summary Information in the Integrated Risk Information System (IRIS) ." Workshop to be held 01/06/2010 in Arlington, Virginia.	
FED12042009-15	Water Effluent Limitations--Construction	12/01/2009	74 FR 62995	Final Rule	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category [40 CFR Part 450] Establishes technology-based Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development point source category. Promulgates a series of non-numeric effluent limitations, as well as a numeric effluent limitation for turbidity. All construction sites will be required to meet the series of non-numeric effluent limitations. Construction sites that disturb 10 or more acres of land at one time will be required to monitor discharges from the site and comply with the numeric effluent limitation. The numeric limitation will be phased in over 4 years. Effective 02/01/2010. [RIN 2040-AE91] See Section 1.2.2 below for further discussion.	NASA facilities should be aware of these requirements.

1.2 Other News and Developments

1.2.1 EPA Announces Proposal to Withdraw the Emission Comparable Fuels Rule

EPA has posted a [pre-publication version](#) of a proposal to withdraw the Emission Comparable Fuels (ECF) rule, which became effective on 20 January 2009. The ECF rule governs fuel that otherwise would be regulated as hazardous waste, but that generates emissions comparable to fuel oil emissions. EPA intended for the rule to reduce regulatory costs by classifying certain manufacturing byproducts as products rather than as wastes.

EPA is now proposing to withdraw the January 2009 rule because of the limited savings of burning ECF and the difficulty of ensuring that emissions from burning ECF are comparable to emissions from burning fuel oil.

After evaluating public comments, EPA will make a decision about whether to withdraw the exclusion. Additional information is available on EPA's [website](#).

1.2.2 EPA Issues Rule to Reduce Water Pollution from Construction Sites

EPA finalized a rule on 1 December 2009 [[74 FR 62995](#)] to help reduce water pollution from construction sites. The rule will take effect in February 2010 and will be phased in over 4 years.

The final rule requires construction site owners and operators that disturb 1 or more acres to use best management practices to ensure that soil disturbed during construction activity does not pollute nearby water bodies.

In addition, owners and operators of construction sites that affect 10 or more acres of land at one time will be required to monitor discharges and to ensure that they comply with specific limits regarding discharges to minimize the impact on nearby water bodies. This is the first time EPA has imposed national monitoring requirements and enforceable numeric limitations on construction site storm water discharges. Additional information is available on EPA's [website](#).

1.2.3 REACH: 15 New Substances of Very High Concern to be Added to the Candidate List

The European Chemicals Agency (ECHA), which implements the European Union's (E.U.'s) regulation for the Registration, Evaluation, and Authorisation of Chemicals (REACH), identified 15 new chemical substances for the Candidate List of Substances of Very High Concern (SVHCs). SVHCs are substances that ECHA believes may have serious and possibly irreversible effects on humans and the environment.

Substances on the Candidate List subsequently could become subject to authorization by decision of the European Commission. This requirement to obtain authorization for SVHC substances before using them or placing them on the market is intended to reduce the availability of those substances in the E.U. Because the market in the E.U. is thus limited, it is possible that availability of those substances eventually will be limited worldwide.

The Candidate List will be updated formally in January 2010. One substance, lead chromate, was included in the Candidate List without further process because ECHA received no comments about its hazardous properties in the public consultation. The others, which were added following the standard process of decision, include certain anthracene oils and derivatives, coal tar pitch, acrylamide, certain refractory ceramic fibers, 2,4-dinitrotoluene, diisobutyl phthalate, lead chromate molybdate sulfate red, lead sulfochromate yellow, and tris(2-chloroethyl)phosphate. The decision about whether to move these substances from the Candidate List to the official "Annex XIV" SVHC list will be made at a later time. For more information, please visit ECHA's [website](#).

2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL12042009-1	Air SIP-Visible Emissions	11/30/2009	74 FR 62532	Notice of Availability	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans: Alabama: Proposed Approval of Revisions to the Visible Emissions Rule and Alternative Proposed Disapproval of Revisions to the Visible Emissions Rule [40 CFR Part 52] Announces that EPA has added a memorandum to the docket to explain the source of information for two exhibits that were provided in the original docket for the rulemaking entitled, "Proposed Approval of Revisions to the Visible Emissions Rule and Alternative Proposed Disapproval of Revisions to the Visible Emissions Rule," published in 74 FR 50930 . The comment deadline has been extended from 11/16/2009 to 12/16/2009.	
AL12042009-2	Scrap Tires	11/30/2009	AAM Vol. XXVIII, No. 2, pp. 66-72	Proposed Rule Hearing	Alabama Department of Environmental Protection 335-ADEM 4-Scrap Tire Program Proposes to revise the Division 4, Scrap Tire Program Regulations pursuant to the 2009 amendments to the Alabama Scrap Tire Environmental Quality Act. A list of specific changes can be found in the Division 4 document. Comments due 01/06/2010. A public hearing will be held 01/06/2010 at ADEM, Montgomery, Alabama.	

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA12042009-1	Occupational Safety X-ray Shielding	11/27/2009	CRNR 2009.48z, p. 2033	Notice	Department of Public Health Building Code Reference (Radiation Shielding Requirements) [17 CCR 30305] Replaces reference to two repealed provisions and rennumbers references to Title 24 building standards; primarily related to medical use of X-rays.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA12042009-2	Property	11/30/2009	74 FR 62566	Notice of Availability	<p>Department of the Army</p> <p>Record of Decision (ROD) for the Real Property Master Plan and Real Property Exchange at Camp Parks, Dublin, California</p> <p>Announces the availability of the ROD for the RPMP and the Real Property Exchange at Camp Parks. The ROD selects the Accelerated Modernization Alternative, under which the construction of new facilities and ranges included in the RPMP would be funded partially using the value of the land exchange (180 acres of the southern atonement area) from federal to private ownership. The remainder of RPMP construction at Camp Parks would be programmed as military construction projects. NASA's in-holding would be sold and proceeds of the sale would be used at its NASA ARC, Moffett Field. This decision will speed the replacement of antiquated facilities and infrastructure on Camp Parks.</p>	ARC should be aware of this action.
CA12042009-3	Proposition 65 Carbaryl and Spirodiclofen	11/27/2009	CRNR 2009, 48z, p. 2029	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Notice of Intent to List Carbaryl and Spirodiclofen</p> <p>Announces intent to list carbaryl and spirodiclofen as carcinogens. Further information is available on the OEHHA website. Comments due 01/11/2010.</p> <p>Carbaryl is a pesticide. Spirodiclofen is a miticide.</p>	
CA12042009-4	Species California Tiger Salamander	12/04/2009	CRNR 2009, 49z, p.2084	Notice	<p>U.S. Fish and Game Commission</p> <p>Incidental Take of California Tiger Salamander During Candidacy [14 CCR 749.5]</p> <p>Readoption of the emergency regulation to provide for the incidental take of the California Tiger Salamander during its candidacy for listing as an endangered or threatened species. Effective 11/23/2009.</p>	
CA12042009-5	Toxic Substances Ethylbenzene, Perchlorate	12/04/2009	CRNR 2009, 49z, p. 2080	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Draft California Human Health Screening Levels(CHHSL), Soil Screening Levels--Notice of the Availability of Draft Reports on California Human Health Screening Levels for Ethylbenzene and Perchlorate</p> <p>Announces release of new CHHSLs based on new toxicity criteria. The draft CHHSLs for ethylbenzene are soil gas levels of 1.1 µg/L and 0.42 µg/L for residential structures on engineered fill or base soil, respectively. The draft CHHSLs for ethylbenzene for commercial/industrial structures are soil gas levels of 3.6 µg/L and 1.4 µg/L on engineered fill or base soil, respectively. The draft CHHSLs for perchlorate are 28 mg/kg soil for residential property and 350 mg/kg soil for commercial industrial property. Both draft reports are available for public review and comment; further information available on the OEHHA website. Comments due 01/15/2010.</p>	CA12042009-1

2.3 Colorado State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Colorado.

2.4 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL12042009-1	Acquisition and Restoration	12/04/2009	FAW Notice #7978073	Notice Workshop	Chapter 62–Acquisition and Restoration Council Announces a workshop to provide input regarding data layers and scoring methods for quantitative measures related to activities of the Acquisition and Restoration Council, established pursuant to Section 259.035, F.S. Scheduled for 12/09/2009 in Tallahassee, Florida.	
FL12042009-2	Water SJRWMD– Conservation Easements	11/25/2009	FAW Notice #7971380	Notice of Change	Chapter 40C–SJRWMD 1.1101–Amendments to and Releases of Regulatory Conservation Easements Changes have been made to the proposed rule published in FAW Notice #7371823 to develop rules in Chapter 40C-1, F.A.C., that establish the terms and conditions under which the District will agree to amend or release a conservation easement conveyed to it for mitigation or in compliance with other regulatory requirements. Changes are listed in the FAW Notice .	

2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD12042009-1	Air Vehicle Emissions	12/04/2009	36:25 Md.R. 1955	Final Action	Department of Transportation, Department of the Environment Vehicle Emissions Inspection Program Adopts regulations and amendments under COMAR 11.14.08 that modify the Vehicle Emissions Inspection Program regulations by: <ul style="list-style-type: none"> ▪ Eliminating the IM240 dynamometer exhaust emissions test. ▪ Making gas cap testing mandatory for vehicles undergoing the idle exhaust emissions test. ▪ Revising idle exhaust emissions test standards for certain model year vehicles. ▪ Reestablishing the Fleet Inspection Station program and implementing new equipment requirements. ▪ Setting new equipment requirements for Certified Emissions Repair Facilities. Effective 12/14/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD12042009-2	Water Drinking Water	12/04/2009	36:25 Md.R. 1956	Final Action	Department of the Environment Quality of Drinking Water in Maryland Amends regulations under COMAR 26.04.01 by adopting federal regulations, which establish or revise disinfection byproduct requirements and surface water treatment requirements for public water systems. Requirements are included as part of the EPA regulations for the Stage 2 Disinfectants and Disinfection Byproducts Rule and the Long Term 2 Enhanced Surface Water Treatment Rule. The cost of implementing the proposed regulations will be passed along to the public through water rates. Effective date 12/14/2009.	

2.6.1 New Judicial Review Procedures for MDE Permits to Take Effect 01 January 2010

Legislation passed by the 2009 General Assembly changes [procedures for major permits](#) issued by the Department. The new judicial review procedures take effect on 01 January 2010. Under current law, permit applicants and third parties under Maryland law can challenge the issuance of a permit or the conditions of a permit through a request for a “contested case” adjudicatory hearing conducted by the Office of Administrative Hearings. Effective 01 January 2010, the “contested case” process no longer applies to final decisions on applications for these permits. Rather, permits can be challenged through a request for direct judicial review in the Circuit Court for the county where the activity authorized by the permit will occur. Additional information about applicable permits can be found on the MDE [website](#).

2.6.2 Water Quality Financing Administration Federal FY 2010 / State FY 2012 Solicitation

The Maryland Water Quality Financing Administration (WQFA) is accepting applications for capital project funding from the various grant and loan programs administered by the MDE’s WQFA. Eligible types of projects include water quality point source projects, drinking water projects, non-point source pollution control projects, and septic system upgrade projects. The submission deadline is 29 January 2010.

All projects must meet the following funding requirements: be ready to proceed within the FFY10/SFY12 funding time period; be included in current County Water and Sewerage Plan (not applicable to non-point source projects); and be consistent with Priority Funding Area (PFA) law or be granted an exception (not applicable to non-point source projects). Additional information can be found on MDE’s [website](#).

2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH12042009-1	Air Title V Permitting	11/23/2009	OEPA DAPC Website	Proposed Rule	Division of Air Pollution Control, OEPA Draft Amendments to OAC Chapter 3745-77 Proposes amendments to the Title V Permit Rules to incorporate adjustments to implementation, such as supporting transition out of Title V, and updates to reflect certain federal updates to 40 CFR Part 70 that have been made since the previous review of the rules. Further details regarding the draft revisions, including the synopsis , responsive summary , and public hearing notice , are available on the OEPA website . Public hearing is scheduled for 12/30/2009 at OEPA, Columbus, Ohio. Comments due 12/30/2009.	

2.9.1 Changes to the 2009 Hazardous Waste Annual Report

The Division of Hazardous Waste Management (DHWM) is providing a new Web-based software called "eDRUMS" for electronically completing and submitting the Annual Hazardous Waste Report beginning with the 2009 reporting cycle. eDRUMS replaces the existing DRUMS Data Entry Module. eDRUMS will be available to users through the agency's [eBusiness Center](#) ("eBiz").

Beginning with the 2009 report due in 2010, each Responsible Official (RO) must have an eBiz Personal Identification Number (PIN), which will be required to access the eBiz system, including eDRUMS. The RO or an Authorized Representative is the person who can sign a report, either electronically using his/her PIN or on paper. After obtaining their eBiz PIN, the RO can submit a request to DHWM to associate him or her with a specific facility.

DHWM plans to use the Annual Report Electronic News Service to provide information and announce the dates of Web-based training seminars. The training also will cover use of eBiz. To subscribe to the Annual Report Electronic News Service or manage a subscription, go to the [Information and Resources from OEPA](#) website.

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX12042009-1	Air NAAQS–Ozone, HGB Area Failure-to-Attain Fee	12/04/2009	34 Tex Reg 8644	Proposed Rules	Texas Commission on Environmental Quality (TCEQ) Failure to Attain Fee [30 TAC 101] Proposes several flexibility options for comment and consideration regarding assessment and collection of the failure to attain fee for the HGB nonattainment area. The federal CAA requires each SIP for ozone nonattainment areas classified as severe or extreme to include a requirement for the imposition of a penalty fee for major stationary sources of VOCs located in the area if the area fails to attain the ozone NAAQS by the applicable attainment date. The HGB area is classified as severe for both the 1-hour ozone NAAQS and the 1997 8-hour ozone NAAQS. The CAA requires all SIP requirements that apply for VOCs to also apply for emissions of NOx. The fee is required to be paid for each calendar year after the attainment date until the area is redesignated as an attainment area for ozone. Additionally, the SIP must include procedures for the assessment and collection of the penalty fee. One flexibility option proposed is to allow major sources to aggregate either pollutant (VOC or NOx) or sites (but not both) for the purposes of determining their baseline amount and the penalty fee that applies to the major source. Public hearings to be held 01/05/2010 in Austin, Texas, and 01/06/2010 in Houston, Texas. Comments due 01/11/2010.	JSC should be aware of this proposal.

2.10.1 TCEQ Approval of Designation Recommendation for the PM2.5 Standard for Harris County

TCEQ has approved the recommendation for Harris County to remain designated as attainment for the 1997 annual PM2.5 NAAQS. On 08 October 2009, EPA sent a letter to the governor of Texas initiating the designation recommendation process for Harris County. The governor is required to respond by 05 February 2010. EPA's request was based on ambient air monitoring data from 2006 through 2008 that indicated one monitor (the Clinton Drive monitor) in Harris County was above the 1997 annual PM2.5 NAAQS. The TCEQ hosted an informational meeting on 19 November 2009 regarding the designation recommendation for Harris County. More information, including the letter to the governor and TCEQ's presentation at the informational meeting, can be found on [TCEQ's SIP Hot Topics Website](#).

2.10.2 TCEQ Establishes Office of Water

TCEQ has announced information regarding a new Office of Water, effective 01 December 2009. The new office will encompass the three existing major water divisions in the agency: Water Planning, Water Supply, and Water Quality.

2.10.3 TCEQ Responses to EPA Comments on Air Permitting Program

TCEQ has posted [letters of response and comments](#) to EPA notices relating to the following aspects of Texas' air permitting programs:

- Flexible Permits ([74 FR 48480](#), 23 September 2009)
- New Source Review Reform ([74 FR 48467](#), 23 September 2009)
- Qualified Facilities ([74 FR 48450](#), 23 September 2009)

2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA related operations in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT12042009-1	Waste Definition of Solid Waste	12/01/2009	UT Bull. Vol. 2009-23: DAR File No. 32967	Proposed Rule	Department of Environmental Quality, Solid and Hazardous Waste Solid and Hazardous Waste; General Requirements [UAC R315-2] Proposes to maintain consistency with federal requirements by revising a proposed rule published 10/01/2009 to remove a proposed expansion of exclusion for "emission comparable fuels" from the definition of solid waste.	
UT12042009-2	Waste Equipment Leaks	12/01/2009	UT Bull. Vol. 2009-23: DAR File No. 33144	Proposed Rule	Department of Environmental Quality, Solid and Hazardous Waste Solid and Hazardous Waste; Air Emission Standards for Equipment Leaks [UAC R315-7-27] Proposes to amend existing state rules to incorporate federal requirements, resulting in the following changes: <ul style="list-style-type: none"> ▪ Inclusion of NESHAP standards for automobile and light-duty truck surface coating operations at major sources of HAP emissions. ▪ Amend RCRA air emission standards for owners and operators of TSDFs to exempt air emissions from certain activities at TSDFs that are covered by the final NESHAP: Comments due 12/31/2009.	

2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA12042009-1	Species Beach Vitex-Quarantine	11/23/2009	26:6 Va.R. 735	Public Notice	Board of Agriculture and Consumer Services Public hearing for the temporary (90-day) quarantine for Beach Vitex. Accomack County is included in the quarantine area. Public hearing 12/03/2009.	
VA12042009-2	Water Water Quality	11/23/2009	26:6 Va.R. 592	Final Rule	State Water Control Board 9 Virginia Administrative Code (VAC) 25-720-110 Finalizes the wasteload allocations for BOD and suspended solids for NASA's Wallops Island facility, based on the established TMDLs for Parker Creek. Also lists the current and potential pollution sources regulated at NASA's Wallops Island facility. Effective 12/23/2009.	